

Bureau of Customs and Border Protection, DHS, Treasury

§ 12.3

Section 12.1 also issued under 21 U.S.C. 371(b);

Section 12.3 also issued under 7 U.S.C. 135h, 21 U.S.C. 381;

Section 12.4 also issued under 21 U.S.C. 381(b);

Section 12.6 also issued under 7 U.S.C. 1854;

Section 12.10 also issued under 7 U.S.C. 151–

162;

Section 12.15 also issued under 19 U.S.C. 1558;

Section 12.16 also issued under 7 U.S.C. 1592(b);

Sections 12.21 through 12.23 also issued under 42 U.S.C. 262;

Section 12.26 also issued under 18 U.S.C. 42;

Section 12.28 also issued under 18 U.S.C. 42, 19 U.S.C. 1527;

Section 12.34 also issued under 19 U.S.C. 1202 (additional U.S. Note to Chapter 36, HTSUS);

Section 12.37 also issued under 27 U.S.C. 203;

Section 12.39 also issued under 19 U.S.C. 1337, 1623;

Sections 12.40 and 12.41 also issued under 19 U.S.C. 1305;

Sections 12.42 through 12.44 also issued under 19 U.S.C. 1307 and Pub. L. 105–61 (111 Stat. 1272);

Sections 12.73 and 12.74 also issued under 19 U.S.C. 1484, 42 U.S.C. 7522, 7601;

Section 12.85 also issued under 19 U.S.C. 1623, 46 U.S.C. 4302, 4306, 4310;

Sections 12.95 through 12.103 also issued under 15 U.S.C. 1241–1245;

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

Section 12.104j also issued under Pub. L. 108–429, 118 Stat. 2600; 19 U.S.C. 2612;

Sections 12.105 through 12.109 also issued under 19 U.S.C. 2094;

Sections 12.110 through 12.117 also issued under 7 U.S.C. 136 *et seq.*;

Sections 12.118 through 12.127 also issued under 15 U.S.C. 2601 *et seq.*;

Section 12.140 also issued under 19 U.S.C. 1484, 2416(a), 2171;

Section 12.142 also issued under 19 U.S.C. 1484; section 3301 of Pub. L. 110–246.

Section 12.150 also issued under 19 U.S.C. 1595a and 1618; 22 U.S.C. 401.

Section 12.151 also issued under The Burmese Freedom and Democracy Act of 2003 (Pub. L. 108–61) (the “BFDA”), as amended by the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008 (Pub. L. 110–286) (the “JADE Act”); Presidential Proclamation 8294, signed on September 26, 2008; Additional U.S. Note 4 to Chapter 71, HTSUS.

SOURCE: 28 FR 14710, Dec. 31, 1963, unless otherwise noted.

FOOD, DRUGS, AND COSMETICS, ECONOMIC POISONS, HAZARDOUS SUBSTANCES, AND DANGEROUS CAUSTIC OR CORROSIVE SUBSTANCES

§ 12.1 Cooperation with certain agencies; joint regulations.

(a) *Federal Food, Drug, and Cosmetic Act.* The importation into the United States of food, drugs, devices, and cosmetics as defined in section 201 (f), (g), (h), and (i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 (f), (g), (h), (i)) is governed by section 801 of the Act, as amended (21 U.S.C. 381) and regulations issued under authority of section 701(b) of the Act (21 U.S.C. 371(b)) by the Secretary of Health and Human Services and the Secretary of the Treasury (21 CFR 1.83 through 1.99).

(b) *Federal Insecticide, Fungicide, and Rodenticide Act.* The importation of pesticides and devices is governed by section 17(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136o(c)), and regulations issued under the authority of section 17(e) of that Act (7 U.S.C. 1360(e)) by the Secretary of the Treasury, in consultation with the Administrator of the Environmental Protection Agency, as set forth below (§ 12.110 *et seq.*).

(c) *Federal Hazardous Substances Act.* The importation of hazardous substances, misbranded hazardous substances, or banned hazardous substances as defined in section 2 of the Federal Hazardous Substances Act, as amended (15 U.S.C. 1261), is governed by regulations issued under the authority of sections 10(b) and 14 of the Act, as amended (15 U.S.C. 1269, 1273), by the Consumer Product Safety Commission (16 CFR 1500.265 through 1500.272).

[T.D. 68–191, 33 FR 11019, Aug. 2, 1968, as amended by T.D. 75–194, 40 FR 32321, Aug. 1, 1975; T.D. 82–145, 47 FR 35475, Aug. 16, 1982]

§ 12.3 Release under bond; liquidated damages.

(a) *Release.* No food, drug, device, cosmetic, pesticide, hazardous substance or dangerous caustic or corrosive substance that is the subject of § 12.1 will be released except in accordance with the laws and regulations applicable to the merchandise. When any merchandise that is the subject of § 12.1 is to be